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10/589,615

06/04/2007

Masaki Kaneda

0670-7082

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04/02/2009

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EXAMINER

MAWARI, REDHWAN K

ART UNIT

PAPER NUMBER

3663

MAIL DATE

DELIVERY MODE

04/02/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/589,615 | Applicant(s) KANEDA ET AL. | |
| | Examiner REDHWAN MAWARI | Art Unit 3663 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 8 and 9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Regarding claims 8 and 9, the claimed process (a) does not result in a physical transformation or (b) must be limited to a practical application, which produces a useful, tangible, and concrete result. The claimed process comprises nothing more than receiving and adding data and does not include a practical application of the data. There is no step that includes applying that information to produce any kind of real world result. For process to be statutory, a computer and the descriptive material claimed must act to define a structural and functional interrelationship between the “modeling” steps and the claimed elements of a computer such that a tangible result is realized and therefore useful. The claim does not appear to use any of the data manipulated by the claimed method; therefore, the claim is not statutory process.

Claims 10 and 11 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Computer programs claimed as computer listing computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical “things.” They are neither computer components nor statutory processes, as they are not “acts” being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program’s functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program’s functionality to be realized, and is thus statutory.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, above claims do not appear to

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have any tangible results and physical structure and therefore renders the claims unclear and indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being unpatentable over Morita (6,119,095).

Consider claim 1, Morita discloses a guidance route search device, the device comprising: a route point specifying unit adapted to specify multiple route points to which a user is to be guided before reaching a destination point (abstract); and a selecting unit adapted to select a guidance schedule which defines possible sequences of visiting orders for all the multiple route points by a preset time of arrival at the destination point and a staying time period at each of the route points (abstract), wherein the staying time period at each of the route

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points is established to have a possible maximal value within the maximum staying time predetermined for that route point (abstract).

Consider claim 2, Morita discloses a guidance route search device, the device comprising: a route point specifying specifying unit adapted to specify multiple

route points to which a user is to be guided before reaching a destination point (col. 7, lines 58-67);

a temporary determination unit adapted to determine staying time periods at each of the multiple route points based on staying possible time prespecified for each route point (col. 7, lines 4-67);

a determination unit adapted to make determination about propriety of a guidance schedule in which the multiple route points are passed through, based on each of the determined staying time periods at the multiple route points and traveling time among the route points; and an adjustment unit adapted-to adjust the staying time at least

at one route point in response to the result of determination by the determination unit (col. 7, lines 4-67, col. 8, lines 1-33);

Consider claim 3, Morita discloses wherein

the determination unit operates to determine whether the guidance schedule in which the multiple route points are passed through is possible or not; and

if it is determined by the determination unit that the guidance schedule in which the multiple route points are passed through is not possible, the adjustment unit operates to reduce the staying time at least at one route point (col. 7, lines 4-67, col. 8, lines 1-33).

Consider claim 4, Morita discloses wherein the prespecified staying time is specified within the range of a trip time period from departure time of a trip for dropping into the multiple route points to time of arrival at a destination point (col. 7, lines 4-67).

Consider claim 5, Morita discloses wherein the prespecified staying time is specified within a range of a trip time period from departure time of a trip for dropping into the multiple route points to arrival time (col. 7, lines 4-67);

the determination unit operates to determine whether there is spare time other than the staying time at the route points and the traveling time among the route points within the range of the trip time period (col. 7, lines 4-67); and

if it is determined by the determination unit that there is spare time, the adjustment unit operates to add a part or all of the spare time to the staying time at least at one route point (col. 7, lines 4-67, col. 8, lines 1-33).

Consider claim 6, Morita discloses wherein the device further comprising: a display unit adapted to display the guidance schedule for the multiple route points adjusted by the adjustment unit (FIG.1)

an input unit adapted to operate in order to change the guidance schedule displayed on the display unit (FIG.1); and

a change unit adapted to change the guidance schedule in response to a change operation with the input unit and causing the display unit to display the changed guidance schedule (FIG.1).

Consider claim 7, Morita discloses wherein

time to start staying and/or the staying time prespecified for each route point is specified based on at least one among the route point, type of the route point, user, utilization group, time of year for utilization and user age (abstract).

Consider claim 8, 10 and 11, claims 8, 10 and 11 are rejected using the same art and rationale used to reject claim 1;

Consider claim 9, claim 9 is rejected using the same art and rationale used to reject claim 2.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Redhwan Mawari whose telephone number is 571 270 1535. The examiner can normally be reached on 7:30 AM - 5PM Mon-Fri Eastern Alt Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

03/29/2009

/R. M./

Examiner, Art Unit 3663

/Tuan C To/

Primary Examiner of Art Unit 3663/3600

March 30, 2009

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